

THE LAW OFFICE OF

ELISA HYMAN, P.C.

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March 29, 2022

BY ECF

Hon. Gabriel W. Gorenstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

MEMORANDUM ENDORSED

Re: *M.K., et al. v. New York City Department of Education, et al.*,  
20-cv-4321 (PAE) (GWG)

Dear Judge Gorenstein:

I represent the Plaintiffs in the above-referenced case. I am writing to jointly request an adjournment of the conference currently scheduled for April 4, 2022. However, sections of this letter are being submitted by Plaintiffs separately under the circumstances.

**Plaintiffs' Reason to Request the Adjournment**

As previously noted in the March 4, 2022 letter, the student at issue had a regression in January and February 2022, and that impacted the Plaintiffs' ability to formulate one aspect of the proposal. In addition, the student receives SSI, and the Parent had to research the implications of any specific proposal on those benefits. Thus, counsel has yet received authority to promulgate a demand to Defendants for an aspect of the settlement. This is not a run-of-the-mill IDEA case. Rather, the student is in her mid-twenties and has already been awarded a compensatory bank through an order of an administrative officer over three years ago. The proposal needs to take several things into consideration that are not usually part of a traditional IDEA settlement involving private school tuition or attorney's fees.

Plaintiffs apologize for not making this request last week on or before March 21, 2022, when our proposal was due to Defendants under the Court's rules. Unfortunately, the week that the conference was adjourned and the dates needed to be re-calendared, two of our main paralegals were out of the office, one on Paternity Leave, and the other due to a family medical emergency.<sup>1</sup> We thought that all of the dates had been calendared upon the return of the paralegals, but we discovered today that last week's date had not been placed on the calendar,

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<sup>1</sup> As bad luck would have it, our third paralegal could not cover the docket, as she was out for medical treatments, except for one day per week and that is not typically her job.

although the letter to the Court due today was docketed. We are conducting a full review of the federal docket as a result.

**Joint Request to Adjourn**

Plaintiffs' counsel and Plaintiff, M.K., have agreed to provide Defendants with a proposal by no later than April 7, 2022. However, once Defendants receive the written settlement proposal, they require several weeks to obtain settlement authority. The parties are going to endeavor to try to settle the case before the conference in any event, and will alert the Court if we had made progress.

The parties have conferred with each other and the Court, and request that the conference be rescheduled for May 9, 2022, at 2:30 p.m.

Thank you for Your Honor's consideration of the above request.

Sincerely,

s/

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Elisa Hyman

Cc: Philip Frank, Esq., Assistant Corporation Counsel (via ECF)

Application granted. Conference adjourned to May 9, 2022, at 2:30 p.m. Submissions due May 3, 2022.

So Ordered.

  
GABRIEL W. CORENSTEIN  
United States Magistrate Judge

March 30, 2022

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